



IT IS ORDERED as set forth below:

Date: January 7, 2019



Lisa Ritchey Craig
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN THE MATTER OF:	CASE NUMBERS
CASSANDRA JOHNSON LANDRY,	18-55697-LRC
Debtor.	
CASSANDRA JOHNSON LANDRY,	
Movant,	
v.	
DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for HIS Asset Securitization Corporation Trust	
2006-OPT2, Mortgage Pass-Through Certificates, Series 2006-OPT2,	
Respondent.	IN PROCEEDINGS UNDER CHAPTER 7 OF THE BANKRUPTCY CODE

ORDER

Following a hearing held on October 18, 2018, the Court entered an order (Doc.

92) on October 19, 2018, denying the Debtor’s Motion for Reconsideration (the “First Motion to Reconsider”) (Doc. 54) of this Court’s interim order (Doc. 61) on the motion of Deutsche Bank National Trust Company for Relief from the Automatic Stay (Doc. 38). On November 2, 2018, Debtor filed a Notice of Appeal (Doc. 99) with regard to the Order denying the First Motion to Reconsider. On December 28, 2018, Debtor filed a Motion to Reconsider (the “Second Motion to Reconsider”) the Order denying the First Motion to Reconsider (Doc. 127).

Upon the filing of the Notice of Appeal, a court ordinarily loses jurisdiction over the order appealed. *See Smith v. D.C.*, 2005 WL 469591, at *1 (D.D.C. Feb. 28, 2005) (denying motions for reconsideration for lack of subject matter jurisdiction due to the pendency of an appeal); *Peterson v. United States*, 2017 WL 6395851, at *1 (E.D. Ky. Dec. 14, 2017) (same); *ConocoPhillips Co. v. Milestone Pac. Properties, LLC*, 2010 WL 4608223, at *1 (N.D. Cal. Nov. 3, 2010) (“Once a notice of appeal is filed, the district court loses jurisdiction over the matters being appealed.”); *Birks v. Lamarque*, 2010 WL 1292736, at *1 (N.D. Cal. Mar. 31, 2010). There is an exception to this rule, however, when the order appealed is not a final, appealable order. *See Natty v. Stone*, 2014 WL 11456065, at *1 (N.D. Ga. Sept. 4, 2014), *aff’d sub nom. Natty v. Warden*, 615 F. App’x

939 (11th Cir. 2015) (“An attempt by Plaintiff to file an interlocutory appeal of the Report and Recommendation does not cause this Court to lose jurisdiction of the case.”). It appears that the order denying the First Motion to Reconsider was not a final order and, therefore, this Court continues to have jurisdiction to consider the Second Motion to Reconsider.

The Second Motion to Reconsider provides no basis for the Court to reconsider the order denying the First Motion to Reconsider, as it is largely illegible and incomprehensible. Further, the filing of the Second Motion to Reconsider was improper under this Court’s local rules. *See* BLR 9023-1 (Bankr. N.D. Ga.) (“Parties and attorneys for the parties shall not file motions to reconsider the Bankruptcy Court’s denial of a prior motion for reconsideration.”). Accordingly, the Second Motion to Reconsider is **DENIED**.

Alternatively, in the event the Court does lack jurisdiction to consider the Second Motion to Reconsider, the Second Motion to Reconsider is DENIED for lack of subject matter jurisdiction.

END OF DOCUMENT

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